

REMARKS

Upon entry of these amendments, claims 23, 27-29, 32-39, and 44 will be pending in this application. Claims 23 and 27-29 have been amended herein to more precisely define the claimed invention. Support for these amendments is found at least at page 13, lines 11-12 of the instant specification. Claims 23 and 27-29 have also been amended to include the ATCC accession number (ATCC Accession No. PTA-994) for monoclonal antibody 5E12. New claim 44 has been added herein. Support for this new claim is found at least at page 13, lines 12-14 and 23-24 of the as-filed specification. Thus, no new matter has been added.

Applicants submitted claim amendments and remarks similar to those presented herein in the May 17, 2006 Response. However, the Examiner indicated that these claim amendments would not be entered (*see* Advisory Action).

Additionally, in the May 17, 2006 Response, Applicants amended page 8 of the specification to include the Deposit Information for the 5E12 and 8G1 cultures. Because the Examiner indicated in the Advisory Action that this Deposit Information has been entered, it is Applicants' understanding that these amendments to the specification were entered by the Examiner. However, if this understanding is incorrect, Applicants respectfully request the opportunity to amend the specification accordingly at a later date.

Applicants will herein address the rejections set forth in the Final Office Action in light of the Examiner's comments set forth in the Advisory Action.

Claim Rejections--35 U.S.C. § 112, first paragraph

In the Final Office Action, the Examiner rejected claims 23, 27-29 and 32-39 under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. According to the Examiner, "[n]o proper antecedent basis nor conception in context with that described within the specification is apparent for the recitation of a composition comprising a population of enriched NS-IC cells and 'at least one monoclonal antibody . . .'. For example, page 13 of the specification appears to alternatively conceive of NS-IC cells with monoclonal antibodies that are 'conjugated with labels to allow ease of separation' . . .; thereby, currently constituting new matter for compositions comprising enriched neural cells and the monoclonal

antibodies alone.” (Final Office Action at pages 2-3). Applicants traverse.

As suggested by the Examiner in the Final Office Action and in the Advisory Action, and in an effort to facilitate the prosecution of this case, claims 23 and 27-29 have been amended herein to specify that the at least one monoclonal antibody is conjugated with a label to allow for ease of separation. As acknowledged by the Examiner, this limitation is fully supported by the as-filed specification at page 13, lines 11-12. Accordingly, Applicants contend that the written description rejection, as it applies to amended claims 23 and 27-29, has been overcome and should be withdrawn.

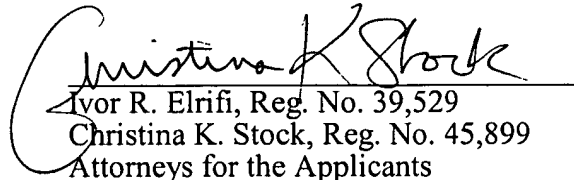
Moreover, claims 32-39 (and new claim 44), each depend from one or more of claims 23 and 27-29. As such, they necessarily contain all of the limitations of the claim(s) from which they depend. Therefore, for the reasons articulated above, Applicants submit that the rejection of these claims for lack of written description has also been overcome and should be withdrawn.

In the Final Office Action, the Examiner rejected claims 23, 27-29, and 32-39 under 35 U.S.C. § 112, first paragraph, as being based on a non-enabling disclosure. Applicants note with appreciation that the Examiner indicated in the Advisory Action that the enablement rejection, as it applies to the Deposit rules, has been obviated in view of the amendments to the specification made in the May 17, 2006 Response. Moreover, in an effort to clarify the claimed invention, Applicants note that independent claims 23 and 27-29 have been amended herein to incorporate the ATCC accession number for monoclonal antibody 5E12.

CONCLUSION

Applicants submit that this paper is fully responsive and that the application is in condition for allowance. Such action is respectfully requested. Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Christina K. Stock", is written over a horizontal line.

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